

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
6

7 KEVIN ZIMMERMAN,

8 Plaintiff,

9 vs.

10 STARBUCKS CORPORATION,

11 Defendant.
12

Case No. 2:17-cv-01201-GMN-GWF

ORDER

13 This matter is before the Court on Plaintiff's Motion for Leave to File Amended Complaint
14 (ECF No. 21), filed on November 10, 2017. To date, Defendant has not filed an opposition to this
15 motion and the time for opposition has now expired.¹

16 Under Fed. R. Civ. P. 15(a)(2), prior to trial, a party "may amend its pleading only with the
17 opposing party's written consent or the court's leave." Courts should freely give leave to amend
18 "when justice so requires". *Id.* As this Court has previously stated "Rule 15's policy of favoring
19 amendments to pleadings should be applied with 'extreme liberality'" where the motion to amend
20 "is not sought in bad faith, does not cause the opposing party undue delay, does not cause the
21 opposing party undue prejudice, and does not constitute an exercise in futility." *Wright v. Incline*
22 *Village General Imp. Dist.*, 597 F.Supp.2d 1191, 1210 (D.Nev. 2009).

23 Plaintiff requests leave to file an amended complaint, which will maintain the same set of
24 facts and causes of actions against Defendant but will include additional allegations and an
25 additional prayer for relief. The Court finds that justice requires granting Plaintiff's request because
26 the leave to amend is sought in good faith, does not cause the opposing party undue delay or undue
27

28

¹ Pursuant to Local Rule 7-2(d), "The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion."

1 prejudice, and does not constitute an exercise in futility. Accordingly,

2 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File Amended Complaint
3 (ECF No. 21) is **granted**.

4 **IT IS FURTHER ORDERED** that Plaintiff may file the amended complaint attached to
5 Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 21) as Exhibit 1.

6 DATED this 29th day of November, 2017.

7
8 
9 GEORGE FOLEY, JR.
United States Magistrate Judge